

Application No.: 10/074,312

Docket No.: P-5314

REMARKS

Claims 1-29 are pending in the present application. Claims 1-5 and 11-24 have been rejected and claims 6-10 have been objected to. Claims 25-29 have been withdrawn. Claim 1, 5, 7, 9, 15, 17, 21 and 23 have been amended and claims 4, 6, and 12-14 have been cancelled. Reconsideration and withdrawal of the rejections and objections are respectfully requested in light of the above amendments and following remarks.

Claim 23 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 has been amended to provide antecedent basis for "passage" and therefore it is respectfully submitted that this rejection has been overcome.

Claim 1-5 and 11-24 have been rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,351,381 to Case. Independent claims 1, 15 and 21 have been amended to include the elements of allowable claims 4 and 6. Specifically, each of these independent claims, as recited, include a handle for rotating the needle removing fixture and the needle removing fixture being rotatably mounted to the top of the container. The Examiner has indicated that this is allowable subject matter. Since independent claims 1, 15 and 21 now recite subject matter which the Examiner has deemed to be allowable, it is respectfully submitted that these claim are allowable and the 35 U.S.C. §102 rejection must be withdrawn. In addition, claims 2, 3, 5, 7-11 depend either directly or indirectly from allowable claim 1; claims 16-20 depend either directly or indirectly from allowable claim 15; and claims 22-24 depend either directly or indirectly from allowable claim 21. Therefore all of these claims are allowable and the 35 U.S.C. §102 rejection should be withdrawn.

As it is believed that all of the rejections and objections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

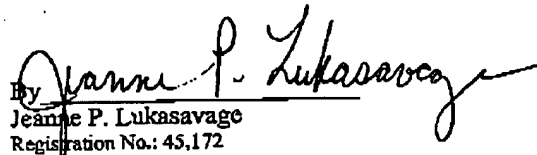
If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (201) 847-6797 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 02-1666 therefor.

Dated: April 19, 2004

Respectfully submitted,

BECTON, DICKINSON AND COMPANY
1 Becton Drive
Franklin Lakes, New Jersey 07417
201-847-6797
Doc.#77118

By 
Jeanne P. Lukasavage
Registration No.: 45,172